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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/549,416 | 04/14/2000 | Rashid Attar | PA000230 | 9439 |

23696 7590 11/06/2003

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
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| EXAMINER |
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SCHULTZ, WILLIAM C

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| ART UNIT | PAPER NUMBER |
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2664

DATE MAILED: 11/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,416

Applicant(s)

ATTAR ET AL.

Examiner

William C. Schultz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-45 is/are allowed.
- 6) ☒ Claim(s) 1,46,57,63 and 64 is/are rejected.
- 7) ☒ Claim(s) 2-21,47-56 and 58-62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,46,63,64, are rejected under 35 U.S.C. 102(e) as being anticipated by I et al. [U. S. Pat. 6,088,335].

Regarding claims 1,63,64, I et al. fully discloses a method for receiving a first packet from a source network node (**base station**) comprising the steps of: generating a data rate control signal based on the signal quality of a received signal transmitted by a source network node;(col. 7, lines 44-45) sending said data rate control signal to the source network node;(col. 7, lines 48-49) receiving a first signal having a data rate based on said data rate control signal from the source network node; (col. 8, lines 56-59) measuring the signal quality of said first signal to form a first signal quality metric; (col. 7, lines 50-53; from applicant's spec, the mobile is performing the **measurement**) and sending a first feedback signal based on said first signal quality metric. (col. 8, lines 56-59). The number signals that applicant is referring to on the bottom of page 7 continuing on page 8 only amount to 2 signals to the mobile, the Examiner reads the limitations of the "a first signal" from the 3rd step to also correspond

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to "a received signal" from the 1st step, because the steps are unordered and the applicant's spec discloses on pgs. 7,8 the measurement is performed BEFORE the drc message is sent. The "a received" and "a first" signals are the pilot signals from I et al. and the feedback signal is the burst assignment from the base station as cited from I et al.

Regarding claim 46, I et al. discloses a network node apparatus for receiving a first packet from a source network node comprising:

- a demodulator for demodulating a downconverted sampled signal to produce a stream of demodulated samples; **(col. 4, lines 56-58; lines 63-65)**

- a first accumulation buffer for accumulating a first subset of said demodulated samples associated with the first packet; **(fig. 3, part 304)**

- a decoder for decoding the contents of said first accumulation buffer to decode the data of the first packet; **(col. 4, lines 59-60)**

- a feedback signal generator for generating a feedback signal sent to the source network node based on a feedback control signal; **(col. 8, lines 56-59)**

- a control processor for controlling the subset of the stream of demodulated samples accumulated in said first accumulation buffer and for generating the feedback control signal based on the signal quality of the downconverted sampled signal; and **(fig. 3, part 303)**

- a transmitter for transmitting the feedback signal to the source network node. **(fig. 3, part 305)**

2. Claims 57,63,64 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnamoorthy et al. [U. S. Pat. 6,636,500].

Regarding claims 57,63,64, Krishnamoorthy et al. discloses a network node apparatus for sending a first data packet to a destination network node comprising:

a data queue for storing a plurality of data packets addressed to a plurality of network nodes, wherein the destination network node is one of the plurality of network nodes; **(col. 6, lines 16-19)**

a demodulator for decoding data rate control signals and feedback signals received from the destination network node; **(col. 4, lines 7-27 – a demodulator is not disclosed but modulation schemes are disclosed as being employed, the device could not function as intended without the use of a demodulator)** a scheduler for selecting a number of time slots for sending the first data packet, wherein the number of time slots is based on a data rate; **(col. 6, lines 23-28)** and a control processor for selecting the data rate based on the data rate control signals and for changing the number of time slots based on the feedback signals. **(col. 4, lines 30-35)**

Allowable Subject Matter

Claims 22-45 are allowed.

Claims 2-21,47-56,58-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

William Schultz
October 29, 2003

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal stroke extending to the right.

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600